

Assembly Bill No. 30

CHAPTER 767

An act to add Article 3.5 (commencing with Section 221.2) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to schools.

[Approved by Governor October 11, 2015. Filed with
Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 30, Alejo. School or athletic team names: California Racial Mascots Act.

Existing law provides that it is the policy of this state to afford all persons in public schools equal rights and opportunities in the educational institutions of the state, as specified, and further prohibits, and provides remedies for, acts that are contrary to that policy.

This bill would establish the California Racial Mascots Act, which would prohibit public schools from using the term Redskins as a school or athletic team name, mascot, or nickname beginning January 1, 2017, subject to specified exceptions. The bill would also provide that this prohibition may not be waived by the State Board of Education. To the extent that this prohibition would impose additional duties on public schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 (commencing with Section 221.2) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 3.5. The California Racial Mascots Act

221.2. The Legislature finds and declares all of the following:

(a) The use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in California public schools is antithetical to the California school mission of providing an equal education to all.

(b) Certain athletic team names, mascots, and nicknames that have been used and remain in use by other teams, including school teams, in other parts of the nation are discriminatory in singling out the Native American community for the derision to which mascots or nicknames are often subjected.

(c) Many individuals and organizations interested and experienced in human relations, including the United States Commission on Civil Rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(d) No individual or school has a cognizable interest in retaining a racially derogatory or discriminatory school or athletic team name, mascot, or nickname.

221.3. (a) Beginning January 1, 2017, all public schools are prohibited from using the term Redskins for school or athletic team names, mascots, or nicknames.

(b) Notwithstanding this section, a public school may continue to use uniforms or other materials bearing the term Redskins as a school or athletic team name, mascot, or nickname that were purchased before January 1, 2017, if all of the following requirements are met:

(1) The school selects a new school or athletic team name, mascot, or nickname.

(2) (A) Except as provided in subparagraph (B), the school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any uniform that includes or bears the term Redskins.

(B) Notwithstanding subparagraph (A), prior to January 1, 2019, a school using uniforms that bear the term Redskins may purchase or acquire a number of uniforms equal to up to 20 percent of the total number of uniforms used by a team or band at that school during the 2016–17 school year for the purposes of replacing damaged or lost uniforms.

(3) The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other similar material that includes or bears the prohibited school or athletic team name, mascot, or nickname in its logo or cover title.

(4) The school refrains from purchasing or constructing a marquee, sign, or other new or replacement fixture that includes or bears the prohibited school or athletic team name, mascot, or nickname. This paragraph applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school shall remove the prohibited name no later than the next time the associated part of the facility is replaced in the normal course of maintenance.

(c) It is the intent of the Legislature that implementation of a new school or athletic team name, mascot, or nickname does not result in a requirement to immediately purchase or replace materials or fixtures until they would have needed to be purchased or replaced without the enactment of this article.

(d) This section is not subject to waiver by the state board pursuant to Section 33050, except as specified in this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.